489 /138/ Drivers (kerekesh tyuyekesh) are dependent upon caravan heads (karavanbashis) /keruanbasy/. The latter are of two kinds: 1) Well known (bel'gili) and influential (ulkun) persons, living in cities, where they give the merchants guarantees of the scrupulousness of the drivers; 2) persons who are less influential (kshi, ksi) who are placed first at the head of the caravans, and receive the invoices from them. In addition to these appointed karavanbashis, the leaders of the caravans are usually also the best people in general among the drivers.

The drivers can transfer their licenses /bilet/ to the leader of the caravan, even though each has his own camels and a special cargo.

The karavanbashis go in advance.

The custom among the urban karavanbashis to help the drivers out with favors (yagalsyb salu) until they find work, also exists among the Kazakhs. (Torgai and Umurbek).

Merchants can send their cargo without the use of karavanbashis, by drivers who have guarantors. Before sending the cargo, the merchants and the drivers, or karavanbashi in their place, exchange written bonds on the quantity of the cargo, the price of the shipping, and the time of delivery.

The karavanbashis cannot abolish the low wage established for one of the drivers, to the detriment of another.

The karavanbash chooses the time and place for halts and spending the night. He settles arguments between drivers on the road. He forces them to pay debts and imposes fines for stealing. Occasionally heavy corporeal punishment is arranged, which is administered standing, not lying down, and for this there can be no complaint. Umurbek admits even that if there is disagreement between the karavanbash and the collective opinion of the drivers he must be obeyed, although in such cases it is difficult for him to get his own way.

489 According to the old customary law, the drivers had to pay
672 damages even without a preliminary agreement, on the basis of the
685 rules of acceptance for safe-keeping.[1] According to the new customary law those who are not obligated by signature, the affixing of a seal and stamp /tamga/ do not pay. The exhaustion /139/ of the camels and their falling down is not taken into consideration by the sender of the cargo. The losses are born by the driver. He changes the tired camels for fresh ones, or buys others, changes the loads of the fallen animals onto other camels, etc.

According to Torgai and Umurbek, a driver is not responsible to

1 [Cf. cat. 116, p. 109 -- A.]

the owner of a camel, when he has rented it for money (kere) from an outsider, and it falls, for some reason or other than its load being too heavy. But he is responsible for a camel which was taken for use without pay. However, they rarely pay in full (tutas), for the bii takes into consideration the fact that the camel was given on the basis of acquaintanceship, and arranges an agreement for 1/2, 1/4 or one-eighth the value of the animal. The demand in court for the full value of the camel would be a manifest rupture of the conditions stated above. 489 672 685

If a driver loaded a greater weight on a camel than that permitted by the owner of the fallen animal, for example 648 lbs. instead of 576 lbs. (1) the value of the fallen camel is divided into as many

1. Every camel has a known lifting capacity. Some carry only up to 432 lbs., others up to 648 and even to 720 lbs. The average weight without straining is about 500 lbs.

parts as there were pounds in the load, and the driver is required to pay as many parts as there were extra pounds, in the given example, two parts.

The owner of a spring and a well can refuse to give a caravan a place for a halt and water, because of its inadequacy for his own needs, and for other reasons. It is impossible to complain about this in court. But if an owner with extra space does not allow a caravan to come in in winter during bitter cold, and people or livestock freeze as a result, customary law asks wergeld for the people and the payment of the value of the livestock. 489 [423]

Now drivers are not willingly permitted to stop near a village, for a loss may occur in the caravan for which the drivers will blame the nearest village. [672]

In case of a complaint in court concerning a loss taking place between two villages, the biis make an inspection of the place and /140/ measure the distance of each neighboring village from the place of the loss by means of a rope. Then the village is accused of the theft, which is shown to be closest (Tergai). According to other sources, the biis do not measure the distance but accuse the village which is considered less dependable. (Report of the chief of the Chimkent uyezd, the biis Sagyndykov and Sultan Kanaev and other persons of the Chimkent and Kurama uyezds).

There are no drivers among the Kirgiz, since the Auliye-Ata Kirgiz have few camels.